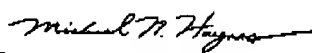


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PTO/SB/31 (04-05)

Approved for use through 07/31/2006. CMB 0851-0031  
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<b>NOTICE OF APPEAL FROM THE EXAMINER TO          THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) <b>1999P07938US01 (1009-045)</b>								
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____  Signature _____  Typed or printed name _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">In re Application of <b>McNutt, Alan</b></td> </tr> <tr> <td style="width: 50%; padding: 2px;">Application Number <b>09/697,419</b></td> <td style="width: 50%; padding: 2px;">Filed <b>10/26/2000</b></td> </tr> <tr> <td colspan="2" style="padding: 2px;">For <b>Re-Programmable Flash Memory Micro Controller as a Programmable Logic Controller</b></td> </tr> <tr> <td style="padding: 2px;">Art Unit <b>2193</b></td> <td style="padding: 2px;">Examiner <b>Vu, Tuan A.</b></td> </tr> </table>		In re Application of <b>McNutt, Alan</b>		Application Number <b>09/697,419</b>	Filed <b>10/26/2000</b>	For <b>Re-Programmable Flash Memory Micro Controller as a Programmable Logic Controller</b>		Art Unit <b>2193</b>	Examiner <b>Vu, Tuan A.</b>
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Art Unit <b>2193</b>	Examiner <b>Vu, Tuan A.</b>									
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.										
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <span style="float: right;"><b>\$ 500.00</b></span>										
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <span style="float: right;">\$ _____</span>										
<input type="checkbox"/> A check in the amount of the fee is enclosed.										
<input checked="" type="checkbox"/> Payment by credit card. Form PTO-2036 is attached.										
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.										
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>50-2504</b> .										
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.										
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.</b>										
I am the										
<input type="checkbox"/> applicant/inventor.										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)										
<input type="checkbox"/> attorney or agent of record. Registration number _____										
<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <b>40,014</b>										
<div style="text-align: right;">             Signature  <b>Michael Haynes</b>            Typed or printed name  <b>434-972-9988</b>            Telephone number  <b>06/05/2006</b>            Date         </div>										
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.										
<input type="checkbox"/> *Total of <b>1</b> forms are submitted.										

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## **CERTIFICATE OF TRANSMISSION**

**Date of Transmission: 05 June 2006**

I hereby certify that the following correspondence is being facsimile transmitted to the attention of the Director of the US Patent and Trademark Office on the above date via the following facsimile number: 571-273-8300.

PTO-2038 Credit Card Payment Form (1 sheet)

PTO/SB/17 Fee Transmittal Form (1 sheet)

Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (1 sheet)

Application Number 09/697,419  
Confirmation No.: 5374  
Filing Date: 26 October 2000  
Document Submission Date: 05 June 2006  
**Docket: 1999P07938US01 (1009-045)**

Art Unit: 2193  
Examiner: Vu, Tuan A.  
Inventor: McNutt, Alan

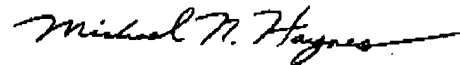
**Pages: 4**

05 Jun 2006

Date

Michael N. Haynes

Name of Certifier



Signature of Certifier

JUN 05 2006

PTO/SB/17 (12-04)

Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **500.00****Complete if Known**

Application Number	09/697,419
Filing Date	26 October 2000
First Named Inventor	McNutt, Alan
Examiner Name	Vu, Tuan A.
Art Unit	2193
Attorney Docket No.	1999P07938US01 (1009-045)

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 50-2804 Deposit Account Name: Michael N. Haynes

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims** - 20 or HP = 0 x 50 = 0 **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims** - 3 or HP = 0 x 200 = 0 **Fee Paid (\$)**

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** - 100 = 0 / 50 = 0 (round up to a whole number) x 250 = 0 **Fee Paid (\$)**

**4. OTHER FEE(S)**

Non-English Specification: \$130 fee (no small entity discount)

Other: Notice of Appeal

**Fees Paid (\$)**

0

500

**SUBMITTED BY**

Signature	<i>Michael N. Haynes</i>	Registration No. (Attorney/Agent)	40,014	Telephone	434-972-9989
Name (Print/Type)	Michael N. Haynes	Date	05 Jun 2006		

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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